

REMARKS

The present amendment is being made to comply with the requirement of 37 CFR 1.809(d). It is arguably necessary to comply with this requirement in the present abandoned case in order to provide support for a similar disclosure in CIP application

09/927,458 for any claim that recites or relies upon such a deposit.

Attached hereto are an executed declaration of biological material deposit and an executed declaration under 37 CFR 1.804(b) for entry into the file of record. These papers were prepared for filing in the CIP application number 09/927,458, but are equally applicable to the present application.

To the extent that the terms of 37 CFR 1.809(e) and 37 CFR 1.804(b) are not fully complied with by the present amendment, a petition under 37 CFR 1.183 for waiver of the rules is being filed on even date herewith. Accordingly, entry of the present amendment and the attached statements of record in the present abandoned application are earnestly solicited.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant(s)

By

  
Roger L. Browdy

Registration No. 25,618

RLB:gkw

Telephone No.: (202) 628-5197

Facsimile No.: (202) 737-3528

G:\BN\I\inl2\wallach22\pto\AmendmentF.doc